

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

KENNETH WAYNE CLOSSER, SR.,)
Plaintiff,)
v.)
BRYAN CRAVENS, et al.,)
Defendants.)
No. 2:24-CV-95 HEA

OPINION, MEMORANDUM AND ORDER

Before the Court is plaintiff Kenneth Wayne Closser, Sr.’s motion for voluntary dismissal of this action.¹ *See* Fed. R. Civ. P. 41(a); ECF No. 7. Plaintiff, who is self-represented and proceeding in forma pauperis, has been awaiting frivolity review of his complaint after transfer of this action from the United States District Court for the Western District of Missouri on November 27, 2024. [ECF No. 2]. Because service on the complaint has not yet been accomplished, and thus, no answer or summary judgment has yet been filed, plaintiff may voluntarily dismiss this action, without prejudice, in accordance with Federal Rule of Civil Procedure 41(a).

Accordingly,

¹Plaintiff Kenneth Closser, Sr. originally filed the instant action in the United States District Court for the Western District of Missouri on November 26, 2024. The action was transferred to this Court on November 27, 2024, pursuant to 28 U.S.C. §§ 1391(b) and 1406(a). [ECF No. 2]. Although Kenneth Closser, Sr. placed his wife's name, Debra Kay Closser, in the caption of the complaint, *see* ECF No. 4, she did not sign the complaint or fill out a separate motion to proceed in forma pauperis in this action. As such, she is not properly before the Court. *See* Fed. R. Civ. P. 11(a) (noting that every pleading, written motion and other paper must be signed by a party, personally, if the party is unrepresented).

IT IS HEREBY ORDERED that plaintiff Kenneth Wayne Closser, Sr.'s motion for voluntary dismissal of this action [ECF No. 7] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED, without prejudice**.

Dated this 25th day of February, 2025.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE